

MICRONESIA 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Federated States of Micronesia is a constitutional republic composed of four states: Chuuk, Kosrae, Pohnpei, and Yap. Individual states enjoy significant autonomy, and their traditional leaders retain considerable influence, especially in Pohnpei and Yap. In 2019, the Congress selected President David Panuelo to serve a four-year term. In March 2021, national elections were held for two-year term congressional seats, in which all 10 members retained their seats. Observers considered the 2021 elections generally free and fair, and the seating of the new Congress was uneventful.

The national police is responsible for enforcing national laws, and the Department of Justice oversees it. State police forces are responsible for law enforcement in their respective states and are under the jurisdiction of each state's director of public safety. Civilian authorities maintained effective control over national and state police forces. Members of the security forces were not reported to have committed abuses.

There were no reports of significant human rights abuses.

The government sometimes took steps to identify, investigate, prosecute, and punish officials who committed human rights abuses or engaged in corruption, but impunity was a problem, particularly for corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings.

As of October, the cases continued against two local men (one a former police officer) charged with the 2019 murder of Rachelle Bergeron, a foreign national

who was the acting attorney general for Yap State. Charges of murder and associated acts were with the Yap State Supreme Court, while the national Supreme Court addressed counts of weapons and ammunition possession. The COVID-19 public health emergency delayed the trial until the entry of witnesses, including a foreign law enforcement official, from abroad was possible after the borders opened in August. Observers believed the killing may have been related to Bergeron's work as acting attorney general.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The constitution prohibits such practices, and there were no credible reports that government officials employed them.

Prison and Detention Center Conditions

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Abusive Physical Conditions: Due to a lack of medical facilities or community-based support services for persons with mental disabilities, the government used separate jail cells to hold persons with mental disabilities who had no criminal background, but who were determined by public health authorities to be a threat to themselves or to others (see section 6, Persons with Disabilities).

Administration: There was no prison ombudsperson to respond to complaints. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions, but they rarely investigated such allegations.

Independent Monitoring: The government is obliged to investigate and monitor prison and detention center conditions. The government permits visits by independent human rights observers, and foreign embassy officials conducted

visits to the detention centers in Yap and Kosrae during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

Warrants are required for arrests, and authorities advised detainees promptly of the charges against them. Authorities generally observed the requirement to bring detainees before a judge for a hearing within 24 hours of arrest. Courts released most arrested persons on bail or after they relinquished their passports. Detainees generally had prompt access to family members and lawyers. Not all detainees who requested help from the public defender's office received adequate legal assistance due to an insufficient number of trained lawyers.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals or organizations may seek civil remedies for human rights abuses. The Supreme Court is responsible for hearing lawsuits seeking damages for, or the cessation of, human rights abuses.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home,

or Correspondence

The constitution prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression but does not refer specifically to speech, the press, or other media; however, the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these related rights.

e. Protection of Refugees

Due to lack of cases, the government had no occasion to cooperate with the Office of the UN High Commissioner for Refugees or other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law does not provide for granting asylum or refugee status, and the government has not established a system for providing protection to refugees.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In 2019, the Congress selected a new president, David Panuelo, to serve a four-year term. The March 2021 election for 10 congressional legislators to serve two-year terms was generally free and fair, and seating of the new Congress was uneventful.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of historically marginalized groups in the political process; however, cultural factors in the male-dominated society limited women's representation in government and politics. Women were well represented in the middle and lower ranks of government at both the national and state level, but there were notably few in the upper ranks. At year's end women held two of nine cabinet-level positions (postmaster general and secretary of education), and one led a diplomatic mission. No women were elected in the March congressional election; however, a woman won a congressional special election in November 2021, the first woman ever elected to the National Congress.

The country is a multicultural federation, and both Congress and the executive branch included persons from various cultural backgrounds.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively, but some officials reportedly engaged in corrupt practices with impunity. There were numerous anecdotal reports of corruption.

Corruption: The Attorney General's Office within the Department of Justice has primary responsibility for combating government corruption, including investigation and prosecution of individual cases. The office operated somewhat independently. The office had sufficient resources; in September 2021, the government enhanced its Transnational Crime Unit (which investigates corruption) with additional personnel including a cybersecurity position. The public auditor referred some corruption cases to the Department of Justice during the year. Cases included questionable bid approvals and payments by the national government to contractors for non-operational or abandoned projects; the inconsistent hiring processes of state governments; and lax controls of cash receipts and disbursements by municipal governments. Investigations revealed that food items represented 66 percent of Pohnpei State legislature representation and committee operating expenses, and that 44 percent of these expenditures were paid to local businesses owned by members of the legislature.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Although there are no official restrictions, no local groups concerned themselves exclusively with human rights. Several groups addressed problems concerning the rights of women and children, and there were active women's associations throughout the country. Government officials often were cooperative and responsive to their views.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Sexual assault of women or men, including rape, is a crime. There is no specific law against spousal rape. Sexual assault involving a dangerous weapon or serious physical or psychological harm to the survivor is punishable by a maximum nine years' imprisonment in Chuuk and 10 years' imprisonment in the other three states, and a fine. If neither a dangerous weapon nor serious physical harm is involved, the assault is punishable in all states by a maximum five years' imprisonment and a fine. Due in part to social stigma, family pressure, fear of further assault, or the belief that police would not involve themselves in what is often seen as a private family matter, crimes inside families were underreported, and authorities prosecuted few cases. According to police and women's groups, there were several reports of physical and sexual assaults against women outside the family context. A foreign national serving as a senior official of the government was arrested and charged with multiple crimes including human trafficking, sexual servitude of a minor, criminal solicitation, prostitution, sexual abuse, and kidnapping, among others.

Reports of domestic violence, often severe, continued during the year. Although assault is a crime, effective prosecution of offenses was rare. The traditional extended family unit deemed violence, abuse, and neglect directed against spouses or children as offenses against the entire family, not just the individual survivors, and addressed them by a complex system of culturally defined familial sanctions. Traditional methods of coping with family discord were breaking down with increasing urbanization, monetization of the economy, and greater emphasis on the nuclear family in which victims were isolated from traditional family support. No institution, including police, has succeeded in replacing the extended family conflict resolution system or in directly addressing the problem of family violence.

The national government operated shelters in Chuuk, Pohnpei, and Kosrae available to all survivors of sexual, domestic, and human trafficking crimes. The Pohnpei Department of Public Safety's program against domestic violence included a hotline to handle domestic violence cases. The national government hotline to handle possible cases of human trafficking also reported receiving

domestic and sexual assault calls. Local women's groups and religious organizations provided counseling and support services for domestic violence survivors within their communities.

Sexual Harassment: The law does not prohibit sexual harassment, and anecdotal reports suggested it occurred.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The government provided support to survivors of sexual violence in the form of counseling and legal and medical assistance, including emergency contraception, in partnership with nongovernmental organizations. Social stigma and community pressure were barriers that prevented individuals from accessing the limited contraception and reproductive health services available in the poor health-care system. The remoteness of many communities due to factors such as poor transportation and communication linkages between main and outer islands limited the availability of reproductive health services even further.

Discrimination: Women have equal rights under the law, including the right to own property, and there were no institutional barriers to education or employment for women. The government enforced the law effectively. The largest employers were the national and state governments, and they paid women employees equal pay for equal work although this is not mandated by law. Societal discrimination against women continued, however, and cultural mores encouraged discriminatory treatment of women. Examples of discrimination against women included many instances of women being pressured to drop out of school if they became pregnant. Women were also discouraged from returning to school if they became mothers.

Systemic Racial or Ethnic Violence and Discrimination

Although the constitution provides that equal protection under the law "may not be denied or impaired on account of race or ethnicity," there were no laws to protect members of racial or ethnic minority groups from violence and discrimination. There were no known cases of racial- or ethnic-based discrimination during the year.

The national and state constitutions prohibit noncitizens from owning land, and foreign investment laws limit the types of businesses they can own and operate.

Children

Birth Registration: A child acquires citizenship if at least one parent is a citizen. Individual states maintain birth records. Kosrae State requires registration within two weeks after a birth. In the other three states, registration takes place for hospital births, but on remote outer islands there are no hospitals, and authorities do not register children until and unless they come to a main island for education. Authorities recorded births on a nondiscriminatory basis.

Education: By law education is free and compulsory for children from ages six through 14 or upon completion of eighth grade; however, many students left school before that age or educational level.

Child Abuse: Child abuse is illegal, although the constitution provides for a right of parental discipline. Cultural attitudes regarding parental discipline limited reporting of abuse, and there were anecdotal reports of child abuse and neglect. The government made no efforts to combat child abuse or neglect. There were no shelters for child victims of domestic abuse. Traditional mediation usually involved agreement among male elders and provided no support for child victims.

Child, Early, and Forced Marriage: The minimum legal age for marriage is 18 for both boys and girls.

Sexual Exploitation of Children: The law sets a maximum penalty of 30 years' imprisonment and a substantial fine for child trafficking. The states' statutory rape laws apply to children age 13 or younger in Yap and Kosrae, 15 or younger in Pohnpei, and 17 or younger in Chuuk. The maximum penalty varies by state: in Chuuk and Pohnpei, it is five years' imprisonment and a fine, while in Kosrae and Yap it is 10 years' imprisonment and a fine. Only Pohnpei has a statute prohibiting child pornography. Chuuk and Pohnpei have provisions against filming explicit movies of underage children, but Yap and Kosrae have no such provisions. Chuuk and Pohnpei impose a penalty of six months' imprisonment for such abuses. There were reports of children trafficked by family members for commercial sex. There were no prosecutions for child pornography during the

year, and enforcement against child trafficking was inconsistent. One foreign national serving as a senior official of the national government was arrested and charged with human trafficking and sexual servitude of a minor, among other crimes (see section 6, Women, Rape and Domestic Violence).

Antisemitism

There is a very small Jewish community, and there were no known reports of antisemitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law does not criminalize consensual same-sex sexual conduct between adults.

Violence against LGBTQI+ Persons: There were no criminal justice mechanisms to aid in the prosecution of bias-motivated crimes against members of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community. There were no reports of violence against LGBTQI+ persons; however, widespread discrimination and stigma may prevent LGBTQI+ individuals from reporting incidents to authorities or nongovernmental organizations.

Discrimination: The law does not prohibit discrimination based on sexual orientation, gender identity or expression, or sex characteristics; nor does it recognize LGBTQI+ individuals, couples, and their families. The culture stigmatized public acknowledgement or discussion of certain sexual matters, including sexual orientation and gender identity. Persons rarely publicly identified as LGBTQI+.

Availability of Legal Gender Recognition: There is no legal process by which individuals may update their gender markers on identity documents to bring them into alignment with their gender identity, nor is there a nonbinary gender marker available.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were no reports of the practice of so-called conversion therapy to change a person's sexual orientation or gender identity or expression.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no restrictions on those speaking out on LGBTQI+ matters such as so-called antigay propaganda laws, "hate speech" laws, and restrictions on the ability of LGBTQI+ organizations to legally register or convene events such as Pride festivities.

Persons with Disabilities

Persons with disabilities can access education, health services, public buildings, and transportation on a limited basis with others. Government information and communication on disability concerns is not always provided in accessible formats. The law prohibits discrimination against persons with physical and intellectual disabilities in public-service employment; no cases of such discrimination were reported. The National Disability Policy mandates accessibility to public buildings or services for persons with disabilities and provides for access to information and communications for persons with disabilities. The government enforced the law and disability policy unevenly, with officials noting it is easy to pass a policy, but harder to bring infrastructure up to compliance quickly. The law provides for access to health services and education for persons with disabilities. The Department of Health and Social Affairs, however, which is responsible for protecting the rights of persons with disabilities, did not provide significant medical services.

By law students with disabilities have the right to separate education and training until they are 21; however, there were no separate education facilities. The government provided children with disabilities, including learning disabilities,

separate education in mainstream schools and instruction at home if necessary and if foreign funding was available. Special education programs faced difficulties serving all eligible children.

Due to a lack of facilities and community-based support services for treating persons with mental disabilities, the government held some persons with mental disabilities with no criminal background, but who have been determined by public health authorities to be a threat to themselves or to others, in jails. Authorities continued to provide separate cells for persons with mental disabilities, and state health departments provided medication and other treatment free to all incarcerated persons with mental disabilities.

Other Societal Violence or Discrimination

Each of the country's four states has a different language and culture. Traditionally, Yap State had a caste-like social system with high-status villages, each of which had an affiliated low-status village. In the past those who came from low-status villages worked without pay for those with higher status in exchange for care and protection by those of higher status. The traditional hierarchical social system has largely broken down, and capable persons from low-status villages may rise to senior positions in society. Nonetheless, the traditional system affected contemporary life. Authorities sometimes continued to underserve low-status communities.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

Although the law does not prohibit workers, including foreign workers, from joining unions, there were no unions and most private-sector employment was in small-scale, family-owned businesses or in subsistence farming and fishing. No nongovernmental organizations focused on unions or labor matters.

Under the constitution citizens have the right to form or join associations, and by law government employees can form associations to “present their views” to the government without being subject to coercion, discrimination, or reprisals. No law deals specifically with trade unions, the right to collective bargaining, or antiunion

discrimination. There is no specific right to strike, but no national law prohibits strikes. The government effectively enforced applicable laws, and penalties were commensurate with those for other laws involving denials of civil rights. Penalties were regularly applied against violators.

In March a group of 47 medical professionals in Yap State wrote the state director of public health requesting a meeting to discuss hospital medical staff salaries and benefits. The signatories stated they would strike on March 26 in the event of an impasse. The state constitution prohibits public employees from striking for the purpose of collective bargaining, but on March 29, 39 doctors and nurses resigned en masse after Governor Jesse Salalu reportedly declined to hear their grievances. On March 31, Salalu issued an emergency declaration and enlisted the national government to provide medical professionals from the other states to fill the gap temporarily. The state government encouraged the resigned workers to return to work, warning that their resignations would not be recognized; however, they were then dismissed for violating state law. Dismissals were issued and vacancy notices were announced; the terminated doctors and nurses were encouraged to reapply.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The government enforced the law, although resources and inspections were minimal. The national antitrafficking law provides for penalties commensurate with those for other serious crimes, such as kidnapping, although lenient sentences of a year or less, or those that were not served on consecutive days, created potential safety problems for trafficking victims and weakened deterrence. In October, two Federated States of Micronesia citizens pleaded guilty in a foreign court to recruiting two other fellow citizens to travel to a foreign country in 2019, withholding their passports, and forcing them to work in a meat processing plant for the defendants' financial gain.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law does not prohibit the worst forms of child labor. National and state laws do not establish a minimum age or prescribe limits on hours or occupations for employment of children. Despite the gaps in the law on child labor, the government generally enforced laws against trafficking of children. Some child labor occurred. There were no reports of employment of children for wages, but children often assisted their families in subsistence farming and family-owned shops. There were reports of children trafficked by family members for commercial sex (see section 6, Children). Penalties were not commensurate with those for analogous serious crimes and penalties were rarely applied against violators.

d. Discrimination with Respect to Employment and Occupation

The constitution prohibits discrimination based on race, gender, and religion. Labor law also prohibits discrimination based on race and gender. The law also provides protections for persons with disabilities, but they are limited in scope. The law does not provide for specific legal protections for age, citizenship, national origin, political opinion, sexual orientation, gender identity, or positive diagnosis of HIV, AIDS or other diseases, or refugee or stateless status. The government did not effectively enforce the law. Penalties were commensurate with those for violations related to civil rights but were rarely applied against violators.

The government did not receive reports of discrimination in employment during the year, except with respect to persons with disabilities, who had little opportunity for gainful employment. Traditional caste statuses, specifically in Yap State, limited professional opportunities for lower-status and outer-island persons (see section 6, Other Societal Violence or Discrimination). Women were underrepresented in all areas except in the service sector.

e. Acceptable Conditions of Work

Wage and Hour Laws: The national minimum hourly wage for employment with the national government was above the official estimate for the poverty income

level. Three of the country's four states have no set minimum wage laws; Pohnpei State has a \$1.75 minimum hourly wage.

The law sets a standard eight-hour workday and a five-day workweek, with premium pay for overtime. There are no legal provisions prohibiting excessive or compulsory overtime.

Occupational Safety and Health: A national regulation requires that employers provide a safe workplace. These regulations are appropriate for the main industries of the country. Occupational safety and health (OSH) experts responded to workers' complaints but did not independently identify unsafe working conditions. Workers can remove themselves from situations that endanger health or safety without jeopardy to their employment.

Wage, Hour, and OSH Enforcement: OSH standards are enforced by the Public Health and Environmental Protection Agency. The Division of Immigration and Labor within the Department of Justice is responsible for enforcing wage and hour laws for foreign workers, while the Department of Administrative Services is responsible for Micronesian workers. The government does not effectively enforce these OSH or wage and hour standards. Penalties were commensurate with those for similar crimes but were rarely applied against violators. The number of labor inspectors was sufficient to enforce compliance, and inspectors had the authority to make unannounced inspections and initiate sanctions. The tax system monitored the minimum wage effectively through random audits.

Informal Sector: Approximately one-half of workers were in the informal economy where wage, hour, OSH, and other labor laws and inspections do not apply, predominantly in subsistence agriculture and fishing. It was unclear if these provisions apply to part-time workers.